



Security Council

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26 November 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE
UNITED NATIONS MISSION IN HAITI

1. In my report dated 21 September 1993 (S/26480), I recommended to the Security Council the establishment of a United Nations Mission in Haiti (UNMIH) for an initial period of six months under the overall supervision and management of my Special Representative, Mr. Dante Caputo.

2. In response to that report, the Security Council adopted resolution 867 (1993), by which it authorized the establishment and immediate dispatch of the United Nations Mission in Haiti (UNMIH) for a period of six months "subject to the proviso that it will be extended beyond seventy-five days only upon a review by the Council to be based on a report from the Secretary-General on whether or not substantive progress has been made towards the implementation of the governors Island Agreement and the political accords contained in the New York Pact". In the same resolution the Council requested me to submit a progress report by 10 December 1993. The present report is submitted pursuant to that request.

3. As authorized by the Security Council, the United Nations Mission in Haiti would comprise 567 United Nations police monitors and a military construction unit with a strength of approximately 700, including 60 military trainers. The objective was to provide guidance and training to all levels of the Haitian police and to monitor its operations as well as to modernize the Armed Forces of Haiti through non-combat training and participation in engineering and medical assistance projects. An advance team of 53 military and 51 police personnel was deployed in Port-au-Prince in the period September-October 1993. In compliance with paragraph 6 of resolution 867 (1993), my Special Representative and the Prime Minister of Haiti, Mr. Robert Malval, initialled the Status of Mission Agreement on 9 October 1993.

4. Following consultations with the Governments concerned, I proposed that the military component of UNMIH be composed of contingents from Argentina, Canada and the United States of America, and the police component of contingents from Algeria, Austria, Canada, France, Indonesia, Madagascar, the Russian Federation, Senegal, Spain, Switzerland, Tunisia and Venezuela. Whereas the requirements for military personnel were fully met as a result of commitments made by the Governments listed above, there was a considerable shortfall of civilian police personnel. Notwithstanding continuing appeals by the United Nations to other potential contributors of civilian police, this shortfall could not be covered.

5. As stated in my reports of 13 October 1993 (S/26573) and 11 November 1993 (S/26724), the mandate of UNMIH was seriously undermined by various developments in Haiti which constituted non-compliance by the Armed Forces of Haiti with the Governors Island Agreement and, inter alia, prevented the disembarkation on 11 October 1993 of a contingent of the military component of UNMIH from the USS Harlan County. As a result of subsequent developments, which have also been reported to the Council, including the withdrawal from Haiti of the advance elements of UNMIH, it was decided to evacuate the bulk of the International Civilian Mission in Haiti (MICIVI) from Haiti on 15 October 1993.

6. In view of the Haitian military authorities' continued obstruction of the deployment of UNMIH and their failure to permit the mission to begin its work, the Security Council adopted resolutions 873 (1993) and 875 (1993) in order to lift the suspension of the sanctions set out in resolution 841 (1993). In paragraph 4 of resolution 873 (1993), the Security Council also confirmed its readiness to consider urgently the imposition of additional measures if the Secretary-General informed it that the parties to the Governors Island Agreement or any other authorities in Haiti were continuing to impede, inter alia, UNMIH's performance of its mandate.

7. The success of UNMIH depends on the full and active cooperation of both parties to the Governors Island Agreement. Until now the necessary cooperation has not been forthcoming from the Haitian military authorities as they have failed to live up to the commitments solemnly entered into under the Governors Island Agreement. In these circumstances, I am obliged to conclude that the mandate entrusted to UNMIH by resolution 867 (1993) cannot be implemented until there is a clear and substantial change of attitude on the part of the Haitian military leaders.

8. With the assistance of my Special Representative, I intend to continue the efforts, as requested by the Security Council, to bring about such a change of attitude with a view to ensuring the implementation of the Governors Island Agreement and the participation of the United Nations in the peace process, as envisaged in that Agreement. I shall keep the Security Council informed about the progress of my efforts.



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Agenda item 71
GENERAL AND COMPLETE DISARMAMENT

SECURITY COUNCIL
Forty-eighth year

Letter dated 26 November 1993 from the Permanent Representative
of the Russian Federation to the United Nations addressed to
the Secretary-General

I have the honour to transmit herewith the text of a statement by the Government of the Russian Federation dated 25 November 1993 concerning the resolution adopted by the Verkhovna Rada of Ukraine on 18 November 1993 relating to the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START-I) (see document A/48/620-S/26770, annex).

I should be grateful if you would have the text of this statement distributed as an official document of the General Assembly, under item 71, and of the Security Council.

(Signed) Y. VORONTSOV

ANNEX

Statement by the Government of the Russian Federation
dated 25 November 1993

From Ukraine has come disturbing news. It concerns the gross violation by that country of its international obligations regarding nuclear weapons. On 18 November 1993, the Verkhovna Rada of Ukraine adopted a resolution relating to the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START-I) and the Lisbon Protocol, constituting an integral part thereof, both of which were signed by Ukraine.

The world has long awaited the ratification by Kiev of those instruments. All the remaining parties to them - Russia, the United States, Kazakhstan and Belarus - already ratified them long ago. Action remained outstanding only for the Ukrainian side. Without its approval, it has been impossible to begin the process of making drastic reductions in nuclear weapons.

In the course of many long months, pledges emanated from Kiev to the effect that Ukraine would comply with the obligations which it had assumed vis-à-vis the world community. Very recently, during a meeting of the official delegations of Russia and Ukraine in Massandr, headed by the Presidents of the two countries, Ukraine reaffirmed those pledges in the form of agreements which it signed there.

In fact, however, there now has occurred an outrageous violation of important international instruments, fundamental provisions of which have been rendered virtually null and void by the Ukrainian legislators.

Suffice it merely to point out that it has been officially proclaimed that the nuclear weapons are the State property of Ukraine; that Ukraine has also departed from article V of the Lisbon Protocol, under which it committed itself to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear State, which was a basic condition for its becoming a party to the START-I Treaty; and that instead of complying with its obligation to destroy all the nuclear weapons situated in its territory, Ukraine is proposing to eliminate a mere 36 per cent of the missile launchers and 42 per cent of the nuclear warheads, while the entire remaining nuclear arsenal would belong to Ukraine.

In short, Ukraine is repudiating all the obligations with regard to nuclear weapons which it assumed at both the bilateral and the multilateral level. How is it possible to trust such an international partner?

The Government of the Russian Federation declares that the resolution of the Verkhovna Rada of Ukraine relating to the START-I Treaty is unacceptable, on the grounds that the reservations contained therein subvert the objectives of that Treaty. The reservations in question are incompatible, inter alia, with article 19 of the Vienna Convention on the Law of Treaties.

The resolution of the Verkhovna Rada of Ukraine dated 18 November 1993 creates a situation in which Russia is not in a position to service, as it has been doing hitherto, the strategic offensive arms situated in Ukrainian

territory. Such servicing in the present circumstances would constitute actions by the Russian Federation in violation of the Treaty on the Non-Proliferation of Nuclear Weapons.

The unilateral actions taken by Ukraine, which affect the interests of all States, may call for measures on the part of the international community, including action by the United Nations Security Council, to prevent any act that undermines the nuclear-disarmament process, strategic stability and the regime of non-proliferation of nuclear weapons.

Russia has been and remains faithful to the policy of nuclear disarmament and the non-proliferation of nuclear weapons, and strictly adheres to the principle of compliance by all countries with their international obligations. The world knows that the Government of the Russian Federation has striven to do all within its power, in response to the wishes of the Ukrainian side, to alleviate implementation by the latter of its international obligations. Russia, for its part, has resolved all issues connected with the receipt by Ukraine of its "peace dividend" from the elimination of all strategic nuclear weapons deployed in its territory. To that end, the relevant agreements have been drafted and signed, including at the level of the government leaders of the two countries. In addition, Russia has given Ukraine all the necessary guarantees of its security provided for by international law.

The Russian side is ready to pursue a constructive dialogue with the Ukrainian side with a view to resolving the whole range of problems concerning nuclear weapons. For that purpose there is a need on the part of Ukraine for an awareness of its responsibility vis-à-vis the international community, for the strict observance of the agreements to which it has appended its signature, and for the genuine, not fictitious, ratification of the START-I Treaty and the Lisbon Protocol.



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LETTER DATED 24 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a letter dated 22 November 1993 addressed to you by Mr. Omar Mustafa Al-Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, and its enclosure, a copy of a letter of the same date from Mr. Al-Muntasser addressed to Mr. Alain Juppé, Minister for Foreign Affairs of France, containing Libya's proposals for the pursuit of the contacts already established with the French authorities with a view to cooperating with them in the judicial inquiries they are conducting.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Letter dated 22 November 1993 from the Secretary of
the General People's Committee for Foreign Liaison
and International Cooperation of the Libyan Arab
Jamahiriya addressed to the Secretary-General

Further to my letter conveying the complete readiness of the Great Socialist People's Libyan Arab Jamahiriya to cooperate positively with Security Council resolution 731 (1992) in a desire to bring the truth to light, in order to confirm its good faith and out of respect for the international rule of law, I am pleased to inform you that my country is continuing to take positive steps to reach a satisfactory solution to the crisis between it and the United States of America, the United Kingdom and France in confirmation of its sincere desire to achieve this objective.

Accordingly, I transmit to you herewith a copy of my letter of 22 November 1993 addressed to the Minister for Foreign Affairs of France containing a proposal for the pursuit of previous contacts with the French judicial authorities with a view to the completion of their inquiries and to arriving at the truth in order to ensure justice for all parties.

I take this opportunity to reaffirm the assurances given in my aforementioned letter to you, including the readiness of the Great Socialist People's Libyan Arab Jamahiriya to receive a United Nations mission at the earliest possible opportunity in order to verify that there is no presence in our territory of any camps for the training of terrorists and of any organizations or groups alleged to be of a terrorist nature.

I request you to have this letter and its enclosure circulated as a document of the Security Council.

(Signed) Omar Mustafa AL-MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison
and International Cooperation

Enclosure

Letter dated 22 November 1993 from the Secretary of
the General People's Committee for Foreign Liaison
and International Cooperation of the Libyan Arab
Jamahiriya addressed to the Minister for Foreign
Affairs of France

You are doubtless aware that, on the adoption by the Security Council of its resolution 731 (1992), the Great Socialist People's Libyan Arab Jamahiriya declared its agreement to cooperate with the resolution in a positive manner, in particular with regard to the judicial inquiries being conducted in Paris by Judge Bruguière, and that, with a view to giving effect to such positive cooperation, it arranged meetings between numerous official agencies of the Jamahiriya and the French Republic, including meetings between the examining magistrates in France and in the Jamahiriya.

In pursuance of these contacts and in order to achieve fruitful and constructive cooperation, we propose the following concrete steps:

1. That an urgent meeting should be held between the Libyan investigating counsellor and the French examining magistrate in order to exchange views and establish procedures for the completion of the inquiries being carried out by both sides;
2. That a date should be fixed for the French examining magistrate to come to the Jamahiriya to complete his inquiries by, inter alia, hearing the statements of individuals and examining materials essential to the inquiry, in cooperation with the Libyan investigating counsellor and within the bounds of the laws and statutes in force;
3. That, should the inquiries result in demonstrating that it is essential for the two suspects to appear before the court, the Libyan authorities would have no objection to them doing so.

Accordingly, we deem it appropriate that, should you accept this offer, the two States should entrust their political and security authorities with the task of convening a meeting to make arrangements and elaborate procedures for the implementation of this proposal.

In making this proposal and by initiating the implementation of procedural measures in its regard, the Jamahiriya expresses its desire to put this incident behind it so as to bring an end to a matter that has clouded relations between our two countries in a manner that may ensure justice for all parties involved.

(Signed) Omar Mustafa AL-MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison
and International Cooperation



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LETTER DATED 26 NOVEMBER 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit a statement, received by facsimile, by the Frontier Guards Administration of the Ministry of National Security of the Azerbaijani Republic, concerning a further act of aggression by the Republic of Armenia against Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Yashar T. ALIEV
Counsellor
Chargé d'affaires a.i.

Annex

Statement by the Frontier Guards Administration of the Ministry
of National Security of the Azerbaijani Republic

On 24 November 1993 units of the armed forces of the Republic of Armenia, after prolonged missile and artillery preparation, launched an attack, supported by armour, from the territory they had previously occupied in the Djebrail district of Azerbaijan against the sector of Frontier Guard Posts nine, ten and eleven protecting the State frontier between the Azerbaijani Republic and the Islamic Republic of Iran.

Heavy fighting took place immediately adjacent to the site of the joint Azerbaijani-Iranian construction project for the Khudafarin hydro-electric station.

For five hours the personnel of the frontier posts, armed only with rifles, held off the onslaught of the superior Armenian forces, but by 3 p.m. on 24 November they were compelled, after sustaining losses, to withdraw to the river Araks, which marks the State frontier between the Azerbaijan Republic and the Islamic Republic of Iran, and to cross into Iranian territory.

During the fighting, the Armenian troops fired on sectors of the territory of the Islamic Republic of Iran adjacent to the frontier.

As a result of this latest escalation of the Armenian aggression, forces of the Republic of Armenia currently control 161 kilometres of the State frontier between the Azerbaijani Republic and the Islamic Republic of Iran, and engineering and technical structures along the frontier and the installations of the Khudafarin hydro-electric station which is under construction have been destroyed, burned down and looted.

This serious violation of the cease-fire by the Republic of Armenia is yet another example of Armenia's expansionist policy which also includes the incident when, on 20 November 1993, a Russian mediation mission headed by the Special Representative of the President of the Russian Federation, Ambassador for Special Assignments V. N. Kazimirov, was fired on in the western sector of the Armenian-Azerbaijani border, at a considerable distance from the Nagorny-Karabakh region.

Such actions by the Republic of Armenia create a risk of internationalization of the conflict, and are likely to have unpredictable consequences for which the full responsibility will rest with the Republic of Armenia.

Baku, 25 November 1993



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THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 24 November 1993 from the Permanent Representative
of Bosnia and Herzegovina to the United Nations addressed to
the Secretary-General

I have the honour to present to you the attached letters of intention dated 15 November 1993 from my Government (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

ANNEX

STATEMENT OF INTENTION BY THE REPUBLIC OF BOSNIA AND HERZEGOVINA
TO INSTITUTE LEGAL PROCEEDINGS AGAINST THE UNITED KINGDOM
BEFORE THE INTERNATIONAL COURT OF JUSTICE

15 November, 1993.

Today, the Republic of Bosnia and Herzegovina hereby states our solemn intention to institute legal proceedings against the United Kingdom before the International Court of Justice for violating the terms of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide; of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination; and of the other sources of general international law set forth in Article 38 of the World Court's Statute. We have already issued formal instructions to that effect to our Attorneys-of-Record before the World Court. They are currently drafting an Application and a Request for Provisional Measures against the United Kingdom. We have instructed our lawyers to file these papers with the World Court as soon as physically possible. In the meantime, we hereby reserve all of our international legal rights against the United Kingdom.

I.

Both the Republic of Bosnia and Herzegovina and the United Kingdom are contracting parties to the 1948 Genocide Convention. Article IX of the Genocide Convention provides as follows:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

We will sue the United Kingdom for violating the following provisions of the Genocide Convention, inter alia:

First, in our Application and Request to the World Court, we will charge that the United Kingdom has failed in their affirmative obligation and refused "to prevent" genocide against the People and State of Bosnia and Herzegovina in violation of Article I of the Genocide Convention, which provides as follows:

"The Contracting Parties confirm that genocide, whether committed in the time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish."

Second, in our Application and Request to the World Court, we

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will charge that the United Kingdom has illegally imposed and maintained an arms embargo upon the Republic of Bosnia and Herzegovina in violation of U.N. Charter Article 51 while acting in its capacity as a Permanent Member of the United Nations Security Council. The United Kingdom has also aided and abetted the ongoing genocide against the People and State of Bosnia and Herzegovina by actively opposing all of the efforts by other States to "lift" this illegal arms embargo. For these reasons, we will charge that the United Kingdom has violated Article III, paragraph (e) of the Genocide Convention that expressly prohibits "complicity in genocide." The legal basis for this charge has been developed at length by Judge ad hoc Elihu Lauterpacht in his Separate Opinion attached to the World Court's Order of 13 September 1993 in the Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), which is currently pending.

Finally, in our Application and Request to the World Court, we will charge that the United Kingdom is both jointly and severally liable for all of the harm that has been inflicted upon the People and State of Bosnia and Herzegovina because the United Kingdom is an aider and abettor to genocide under the Genocide Convention and international criminal law.

In drafting these legal pleadings for the World Court, and during the course of the subsequent proceedings, our lawyers will also name and implicate other Member States of the U.N. Security Council that have supported this illegal arms embargo in violation of U.N. Charter Article 51, as aiders and abettors to genocide against the People and State of Bosnia and Herzegovina. We will not sue these other States at this time.

We also serve notice upon all of the more than 100 Contracting Parties to the Genocide Convention that each and every one of them has a solemn legal and moral obligation "to prevent" the commission of genocide in and against the People and State of the Republic of Bosnia and Herzegovina as required by Article I.

II.

Both the Republic of Bosnia and Herzegovina and the United Kingdom are also contracting parties to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. Article 22 thereof provides as follows:

"Article 22

"Any dispute between two or more States Parties over the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall at the request of any of the parties to the dispute be referred to the International Court

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of Justice for decision, unless the disputants agree to another mode of settlement."

The United Kingdom has promoted options, ostensibly as solutions to the aggression against the Republic of Bosnia and Herzegovina, that are inconsistent with the terms of this treaty.

This Statement will be circulated to all Members of the United Nations Organization, and will also be filed with the International Court of Justice.



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THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 26 November 1993 from the Permanent Representative
of Bosnia and Herzegovina to the United Nations addressed to the
Secretary-General

I have the honour to present to you the attached letter dated
26 November 1993 from our Minister for Foreign Affairs (see annex).

May I ask for your kind assistance in circulating the present letter and
its annex as a document of the General Assembly, under agenda item 42, and of
the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

ANNEX

Letter dated 26 November 1993 from the Minister for Foreign
Affairs of Bosnia and Herzegovina addressed to the
Secretary-General and to the Force Commander of the United
Nations Protection Force

On the occasion of the tragic incident of 24 October 1993 near Novi Travnik, in which a Danish driver was killed and 11 members of the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross wounded, I would like to inform you of the results of the inquiry.

The 3rd Corps HQ, within whose operational zone the incident occurred, in its contacts with international organizations suggested the utilization of routes under the control of the R BH Army so as to avoid possible incidents in the area between the confronting lines of the R BH Army and HVO units. Our units have been precisely instructed how to act when humanitarian convoys pass along the routes under combined control in order to provide for the safety of those convoys.

On 24 October 1993, at about 0800 hours, the HVO took advantage of a humanitarian convoy movement, sneaked to our defence line with convoy vehicles and opened fire at our posts as soon as they had reached the immediate vicinity of our line. The fire opened by the HVO targeted both the R BH Army defence lines and the convoy. The BH Army units, because of the proximity of the convoy and the disposition of its soldiers, were not in a position to and did not fire back, because that would also have put their own soldiers in jeopardy.

From all the facts gathered it can be concluded that the fire that resulted in the killing of the Danish driver and wounding of 11 members of international organizations, was opened by the HVO units. Obviously, the incident was previously planned and its execution aimed at incriminating the R BH Army for jeopardizing humanitarian convoys so as to hinder and halt humanitarian aid deliveries, which actually happened.

The R BH Army units have not only been instructed to exercise utmost caution in respect of humanitarian convoys but also to be actively engaged in seeking for the safest possible transportation routes, in the region of Central Bosnia, in particular. We are very much aware that the continuation of humanitarian convoys is of vital importance for our people in both liberated and occupied territories. Therefore, we will do everything in our power to avoid such incidents, but we are not certain that the opposing side, not dependent on humanitarian convoys because they get their supplies from the neighbouring State, will do the same. I would like to ask you to bear this in mind.

Expressing once more our regret and condolence for the victims of this incident, we ask you to do everything in your power such that similar situations

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are avoided and regular humanitarian convoys are maintained. I assure you that the R BH Army units will be at your disposal in order to see this mission successfully implemented.

(Signed) Dr. Irfan LJUBLJANKIĆ
Minister



Security Council

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29 November 1993

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Draft resolution

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force (S/26781),

Decides:

- (a) To call upon the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;
 - (b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1994;
 - (c) To request the Secretary-General to submit, at the end of this period, a report on the development in the situation and the measures taken to implement Security Council resolution 338 (1973).
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29 November 1993

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NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

At its 3320th meeting, on 29 November 1993, following the adoption of resolution 887 (1993), the President of the Security Council made the following statement:

"In connection with the resolution just adopted on the renewal of the mandate of the United Nations Disengagement Observer Force, I have been authorized to make the following complementary statement on behalf of the Security Council:

"As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force (S/26781) states, in paragraph 19: 'Despite the present quiet in the Israel-Syria sector, the situation continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached.' That statement of the Secretary-General reflects the view of the Security Council."
